

### Remarks

The Office Action objects to the drawings as not showing every feature of the invention specified in the claims. Specifically, the Office Action points to the language in claim 11 “the teaser is provided with a **variety of depending objects** of interest . . .” and states that such features must be shown or canceled from the claims. The Examiner’s attention is respectfully directed to the figures and description as filed, such as figures 4-6 and paragraph 0036. Note that teaser 56 includes a length of furred or fuzzy material 66 and feathery portion 68. Withdrawal of this objection is respectfully requested.

The Office Action rejects claims 5 as being indefinite because the last phrase is alleged to be confusing, the phrase being “a teaser portion, which is affixed at a first end **of** (sic) the attachment portion, and further at a second end of which the teaser is affixed.” It appears that the confusion may be due, in part because of the typographical error in the Office Action. The claim actually reads “a teaser portion, which is affixed at a first end **to** the attachment portion, and further at a second end of which the teaser is affixed.” By way of clarification, attention is directed to, for example, figures 1-3 and the accompanying text in paragraph 0031. The figures and text disclose that teaser portion 16B is affixed at a first end to the attachment portion 16A of tether 16 and at the second end (of teaser portion 16B) of which the teaser 18 is affixed.

The Office Action rejected claims 1, 4, 6, 8, and 10 as being anticipated by Bremm (U.S. Patent Application Publication No. US 2004/0194733). However, it is respectfully suggested that the Office Action reads too much into the disclosure of Bremm. The Office Action asserts that Bremm’s dog collar 24 is the claimed teaser “when not fastened to the animal.” However, Bremm does not disclose that either dog collar 24 is the claimed teaser or even can be used like the claimed teaser. Furthermore, dog collars like the one shown in Bremm are typically left around a dog’s neck because they often contain important information, such as rabies shots,

licenses and owner contact information, that is desired to be left on the dog in case the dog escapes, becomes lost, or an animal enforcement officer is around.

Additionally, Bremm does not teach or suggest ever removing dog collar 24 from the dog. Even if dog collar 24 of Bremm is removed from the dog, Bremm does not disclose connecting the rest of the leash to dog collar 24 when dog collar 24 is off the dog. If anything, Bremm teaches away from having his leash connected to dog collar 24 when dog collar 24 is not around the dog's neck. Figure 4 is the only figure that does not depict the dog and that figure teaches that his invention is not connected to dog collar 24. The rest of the figures show the dog collar 24 on the dog and those are the only figures that show Bremm's leash attached to the dog collar. Additionally, Bremm teaches attaching the leash to a dog collar 18 that is already around the dog's neck (instead of attaching the leash and dog collar to the dog by the dog collar), stating "The dog 18 . . . is safely tethered to the belt 50 once . . . the fastener 20 at the far end 16 of the leash 12 is engaged with the ring 22 on the animal collar 24." See column 2, at the second to last sentence in paragraph 0019. If Bremm's leash were attached to dog collar 24 before it was attached to the dog, he would have said "the dog is safely tethered to the belt once the dog collar is placed around the dog's neck."

Lastly, Bremm does not teach that the dog collar is a teaser as defined in the subject specification. Indeed, a dog owner would not normally attach his leash to a dog collar that is not around a dog because a dog collar has a specific purpose. Furthermore, dogs are normally discouraged from biting or otherwise playing with their collar because it can lead to damage of the collar, difficulty in walking and controlling the dog, and degradation of the collar which could result in collar breakage a reduction of the ability to secure and control the animal with the collar (which is the very purpose of the collar). Using a dog collar in the manner that the Office

Action suggests is not taught by Bremm and is contrary to the normal use of a collar, therefore the rejection must be withdrawn.

With respect to claim 4, the undersigned reviewed the cited portion of Bremm and found no teaching that Bremm's fastening strap is ever "turned upon itself" as claimed. The cited portion of Bremm discusses a "fastening belt (not shown)" and the description does not actually describe either the unseen fastening belt is actually "turned upon itself." It may be fastened in a variety of manners that do not require the strap to be turned upon itself, like the system shown in Kisko.

With respect to claim 10, the undersigned found no teaching in Bremm that dog collar 24 is "fabricated from at least one of: a smooth material, a rubbery material, a furry material, a feathery material, a fuzzy material, or a spongy material. Therefore the anticipation rejection for claim 10 should also be withdrawn for this reason.

The Office Action rejected claims 1, 4, 6-8 and 10 as anticipated by Kisko (U.S. Patent No. 6,095,093). However, it is respectfully suggested that the Office Action reads too much into the disclosure of Kisko. The Office Action asserts that Kisko's hook clasp 38 and leash handle 40 are the claimed teaser. However, Kisko does not disclose that either hook clasp 38 or leash handle 40 are the claimed teaser or even can be used like the claimed teaser. Indeed, Kisko only closes using its device while in an upright position to walk an animal (see, for example, figure 4).

As seen in figure 4, it would be difficult to even attempt to use Kisko's device as the claimed teaser because the hook clasp 38 and leash handle 40 that the Office Action points to are located approximately between the user's elbow and shoulder. This would not work well with a majority of animals that are just too short to be interested by anything at that height. Furthermore, a person of ordinary skill in the art would not use Kisko's device as a teaser because what the Office Action claims is the teaser is too close to the arm of the user which

could result in serious injuries due to an animal's bites or scratches if they were trying to play with hook clasp 38 or leash handle 40.

Furthermore, dogs are normally discouraged from biting or otherwise playing with their leash (or the rest of Kisko's device) because it can lead to damage, difficulty in walking and controlling the dog, and degradation of the device which could result in breakage a reduction of the ability to secure and control the animal (which is the very purpose of Kisko's device). Using a leash or the rest of Kisko's in the manner that the Office Action suggests is not taught by Kisko and is contrary to the normal use, therefore the rejection must be withdrawn.

With respect to claim 4, figure 1 of Kisko does not disclose the fastening strap 16 passing through the buckle 20, with the fastening strap 16 "**turned upon itself**, to bring the cooperative fastening elements against one another in releasably fastening contact." Instead, fastening strap 16 is just attached to anchoring member 18.

With respect to claim 10, the undersigned found no teaching in Kisko that hook clasp 38 or leash handle 40 is "fabricated from at least one of: a smooth material, a rubbery material, a furry material, a feathery material, a fuzzy material, or a spongy material. Therefore the anticipation rejection for claim 10 should also be withdrawn for this reason.

The Office Action rejected claims 1, 6, 7, 9 and 10 as anticipated by Swendseid (U.S. Patent No. 5,505,161). However, it is respectfully suggested that the Office Action reads too much into the disclosure of Swendseid. The Office Action asserts that Swendseid's clamp 32 is the claimed cuff "releasably affixed about a human limb." However, Swendseid does not disclose that claim 32 can be releasably affixed about a human limb. Instead, Swendseid discloses that clamp 32 is clamped on both sides of the top of a doorjamb. Indeed, one would not likely use Swendseid's clamp as the claimed cuff because a clamp is typically not comfortable to wear and Swendseid's "pincher-like clamp" (see column 2 at line 2) sounds

particularly uncomfortable. Additionally, the Office Action made no showing that Swendseid's clamp could even be releasably affixed about a human limb and the depicted clamp does not look like it could be affixed about a human limb in any reasonable fashion.

Furthermore, Swendseid actually teaches away from using releasably affixing clamp 32 about a human limb. Instead, the whole purpose of Swendseid's invention is to provide a pet toy that is not attached to a human and that does not even require the presence of a human. See, for example, column 1 at lines 21-33 and 55-58.

The Office Action rejected claims 1, 6, 7, 9 and 10 as anticipated by Takahashi (U.S. Patent No. 5,357,904). However, it is respectfully suggested that the Office Action reads too much into the disclosure of Takahashi. The Office Action suggest that Takahashi's braided portion 4 is the claimed cuff "releasably affixed about a human limb." However, Takahashi does not disclose or even suggest that braided portion 4 can be releasably affixed about a human limb. Furthermore, there is no indication that the braided portion 4 of Takahashi is of an appropriate size to releasably affix braided portion 4 about a human limb.

Even if Takahashi were of an appropriate size to allow braided portion 4 about a human limb and a person put a limb in braided portion 4, then the device of Takahashi would not even work probably because the bell 7 would interfere with the insertion of the person's limb or the person's limb would interfere with bell 7. Plus a person would not use Takahashi's device as the claimed device because the bell 7 (or items 2 and 8) would be next to their limb resulting in possible injury from the animal trying to bite or paw at bell 7. Furthermore, a person would be unlikely to design the alleged cuff 4 so that a portion (items 2 and 8) are like the claimed teaser because an animal biting and scratching at the teaser portion would also cause damage to the cuff, which would likely make it uncomfortable to wear.

Lastly, the Office Action states that item 6 is the claimed tether which is attached at a first end to the cuff 4. The Office Action also asserts that bell 7 (or braid 2 or woven fabric 8) is the claimed teaser. However, the claimed teaser is required to be “affixed to the second end of the tether,” not the “first end” of the tether which is attached to the cuff. If anything, Takahashi’s items 2, 7 and 8 are all attached to the same “first end” of “tether” 6 that is affixed to cuff 4 and not to a “second end” of the tether as claimed.

The Office Action rejected claims 1, 6, 7, 9 and 10 as obvious over De Bruler (U.S. Patent No. 2,194,736). However, it is respectfully suggested that the Office Action reads too much into the disclosure of De Bruler. The Office Action states that De Bruler’s loop portion 24 or 32 is the claimed cuff. However, De Bruler does not teach that loop portions 24 or 32 can be used as the claimed cuff that is “operably configured to be releasably affixed about a human limb.” Instead, De Bruler teaches that loop portions 24 or 32 are appropriately sized and designed for attachment to door knobs. (See Figures 1 & 5, column 1 at lines 9-11, column 2 at lines 18-21).

Indeed, De Bruler does not disclose or even suggest that loop portions 24 or 32 can be releasably affixed about a human limb or is even sized appropriately to allow such. Indeed, De Bruler suggests securing loop portions 24 and 32 around doorknobs which are much smaller (especially the part connecting the knob to the door where loop portions 24 and 32 would need to be wrapped around) than a human limb, such as an arm. Furthermore, De Bruler’s tends to teach away from such use since his device is even said be of a character that “does not require the special attention of an operator after the device has been secured to a support.” Finally even where De Bruler states that the device could be “attached” to a human, he does NOT teach releasably affixing loop 24 or 32 about a human limb. Instead, he merely suggests that a person

could hold the device in their hand. (Column 2 at lines 22-25.) Therefore, if anything, De Bruler suggests releasably affixing your hand about the device and not the other way round.

Although the Office Action did not suggest that looped portion 18 of figure 1 was the claimed cuff, the undersigned notes that a person of ordinary skill in the art would not use such a design for releasably affixing loop 18 around a human limb because it could result in a loss of circulation and possibility of injury as a dog grabs the fake bone 10 and pulls on it causing loop 18 to tighten around such limb.

The Office Action rejected claims 2 and 3 as obvious over Bremm (U.S. Patent Application Publication No. US 2004/0194733). However, it is respectfully suggested that the Office Action reads too much into the disclosure of Bremm. More specifically, the Office Action asserts that it is well known that weight lifters belts contain weighted materials. The Office Action seems to be under the mistake belief that a weight lifters belt contains weights in a manner similar to ankle weights containing weights or wrist weights containing weights. However, that is not the case. Instead, a weightlifting belt is worn for two main purposes. It reduces stress on the lower back while the person is lifting in an upright position and prevents back hyperextension during overhead lifts. Basically, it is worn for support. See the attached article “The Proper Use of Belts During Weight Training” printed on July 11, 2005 from [http://sportsmedicine.about.com/cs/strengthening/a/aa060201a\\_p.htm](http://sportsmedicine.about.com/cs/strengthening/a/aa060201a_p.htm). If the Office Action maintains this rejection, the applicant respectfully request the Patent Office provide a reference showing the alleged weight lifters belt containing weighted materials.

With respect to claim 4, the undersigned reviewed the cited portion of Bremm and found no teaching that Bremm’s fastening strap is ever “turned upon itself” as claimed. The cited portion of Bremm discusses a “fastening belt (not shown)” and the description does not actually describe either the unseen fastening belt is actually “turned upon itself.” It may be fastened in a

variety of manners that do not require the strap to be turned upon itself, like the system shown in Kisko.

The Office Action rejected claims 2 and 3 as obvious over Kisko (U.S. Patent No. US 6,095,093) in view of Winston (U.S. Patent No. 4,997,183). However, it is respectfully suggested that the Office Action does not make an adequate *prime facie* showing of any motivation to combine these references. Furthermore, it is submitted that one of ordinary skill in the art would not make such a combination. Kisko contains no motivation or suggestion to one of ordinary skill in the art to combine the ankle weight shown in Winston with the elastic arm band member 12 of Kisko's animal leash assembly. Likewise, Winston contains no motivation or suggestion to combine its ankle weight with Kisko's animal leash assembly.

Weights, including ankle weights, are normally used for strength training and typically involves a full range of motion. However, Kisko's animal leash assembly is designed to be placed on the upper arm in a specific effort to minimize the degree of arc to which the leash is subjected while walking the dog. (See column 1 at lines 55-60) Kisko's minimal upper arm movement appears to be contrary to a typical strength training routine. Furthermore, Winston makes no suggestion of using her ankle weights on the upper arms while walking a dog. Additionally, the Office Action makes no showing that one of ordinary skill in the art would even believe that upper arm weights would provide any sort of useful strength training (or other purpose) while walking a dog with Kisko's device.

With respect to claim 4, figure 1 of Kisko does not disclose the fastening strap 16 passing through the buckle 20, with the fastening strap 16 "**turned upon itself**, to bring the cooperative fastening elements against one another in releasably fastening contact." Instead, fastening strap 16 is just attached to anchoring member 18.

The Office Action rejected claim 11 as obvious over Bremm (U.S. Patent Application Publication No. US 2004/0194733) in view of Noguero (U.S. Patent No. 6,422,177). However, it is respectfully suggested that that the Office Action reads too much into both references. As discussed above, Bremm contains no disclosure of a dog collar attached to the rest of Bremm's device when the collar is not attached to the dog. Instead, Bremm shows the standard use of a dog collar and leash. The collar remains attached to the dog's neck and the leash is removed from collar. Although the leash and collar of Bremm may be an animal exercise device, it is not the claimed animal exercise and AMUSEMENT device. Furthermore, one of ordinary skill in the art would not use the collar of either Bremm or of Noguero as the claimed teaser element because the collar could easily become damaged from the dog biting it and then the collar would be likely to fail in its ability to secure the dog, which is contrary to the whole purpose of Bremm's invention. Additionally, the collar of Noguero would not likely be used in the manner suggested by the Office Action because the various ornaments 42 might come out of female engagement elements 52 and choke (or be swallowed by) the dog.

Newly added claims 12-20 include features disclosed, for example, in figure 7 and in paragraphs 0016 and 0039 of the specification as originally filed. The addition of the claimed pole further differentiates these claims from the prior art applied in the recent Office Action. It is believed that the claimed pole is not taught or suggested by the applied prior art.

In view of the foregoing remarks, all claims should be in condition for allowance. The undersigned attorney requests the opportunity to discuss any perceived problems with the claims, to further explain any of the points raised herein, and to discuss placing claims in condition for allowance. The undersigned can be reached through his direct phone number (312) 223-0010 extension 144. Please advise when you would be available for a telephone conference.



Certificate of Mailing

I hereby certify that, on July 13, 2005, this correspondence is being deposited with the U. S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

William J. Hallihan

Respectfully submitted,

HALLIHAN INTELLECTUAL PROPERTY LAW, LTD  
125 South Wacker Drive  
Suite 2080  
Chicago, Illinois 60606  
312-223-0010 xt 144

By

William J. Hallihan, Reg. No. 39,210